

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

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7 Attorneys for Defendant  
INCOMM HOLDINGS, INC. and  
8 BEST BUY CO., INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 BARBARA FAFARD, individually and on behalf  
of a class of similarly situated individuals,

14 Plaintiff,

15 vs.

16 APPLE INC., BEST BUY CO., INC.; and  
17 INCOMM HOLDINGS, INC.,

18 Defendants.  
19

Case No. 12-CV-5125-CW

**JOINT STATEMENT, STIPULATED  
REQUEST AND ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE**

[Local Rule 6-2, 7-12, 16-2(e)]

Date: December 11, 2013  
Time: 2:00 p.m.  
Courtroom: 2

The Honorable Claudia Wilken

Pursuant to this Court's September 19, 2013 Order to Continue the Case Management Conference [Dkt. 34], Plaintiff Barbara Fafard ("Plaintiff") and Defendants Apple, Inc. ("Apple"), Best Buy Co. Inc. ("Best Buy"), and InComm Holdings, Inc. ("InComm") (collectively, "Defendants," and collectively with Plaintiff, the "Parties"), having been directed to file a joint statement advising the Court of the status of mediation and settlement discussions no later than December 4, 2013, hereby advise the Court as follows:

1. On May 21, 2013, the Parties participated in a mediation session with Honorable Ronald M. Sabraw (Ret.) that resulted in a written Memorandum of Understanding (MOU) memorializing the Parties' agreement in principle to settle the litigation.

2. On October 17, 2013, the Parties participated in a second mediation session with Judge Sabraw in order to finalize the terms of the MOU.

3. This second mediation session resulted in a final executed MOU between the Parties.

4. Since that date, the Parties have worked diligently to finalize documents related to the settlement and to prepare a motion for preliminary approval of class settlement for the Court's consideration. Despite their best efforts and under Judge Sabraw's continued guidance, the Parties require additional time to prepare and submit a motion for preliminary approval of class settlement for the Court's consideration.

**STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties request an additional sixty (60) days to finalize the motion for preliminary approval of class settlement and all documents to be submitted to the Court in connection with that motion.

**IT IS SO STIPULATED.**

DATED: December 4, 2013

MARCUS & AUERBACH LLC

By /s/ Jonathan Auerbach

Jonathan Auerbach  
Attorney for Plaintiff  
Barbara Fafard

DATED: December 4, 2013

REED SMITH LLP

By /s/ Mathew M. Wrenshall

Abraham J. Colman  
Felicia Y. Yu  
Mathew M. Wrenshall  
Attorneys for Defendants  
InComm Holdings, Inc. and Best Buy Co. Inc.

DATED: December 4, 2013

MORRISON & FOERSTER

By /s/ David M. Walsh

David M. Walsh  
Attorney for Defendant  
Apple Inc.

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**ORDER**

Pursuant to the above Stipulation, and good cause appearing therefor, the December 11, 2013 Case Management Conference is CONTINUED to **March 13, 2014**, at 2:00 p.m. The Parties shall file their motion for preliminary approval of class settlement no later than **February 6, 2014**.

**IT IS SO ORDERED:**

DATED: 12/6/2013

  
The Honorable Claudia Wilken  
United States District Court Judge

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1 I, *Mathew M. Wrenshall*, attest that as the ECF filer of this Stipulation I obtained concurrence  
2 for this filing from all signatories to this document.

3  
4 DATED: December 4, 2013

REED SMITH LLP

5 By /s/ Mathew M. Wrenshall  
6 Mathew M. Wrenshall  
7 Attorney for Defendants  
8 InComm Holdings, Inc. and Best Buy Co. Inc.  
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